

STATEMENT OF PURPOSE

RS23352C1

This bill is one of a group of bills to reclassify low level misdemeanors to infractions. The subject matter is litter and debris on highways, public and private property. The purpose behind the reclassification is to better align punishment with crimes committed and save costs related to public defense, while maintaining penalties adequate for deterrence and enforcement. This effort builds on HB 434 (2014) which updated infraction penalties to increase the viability of migrating low level misdemeanors to infraction penalties. The changes in this bill originated with recommendations from the Misdemeanor Reclassification Subcommittee of the Criminal Justice Commission, which were then reviewed and approved in concept by the Public Defense Reform Interim Committee. The bill makes some structural changes to two statutes addressing litter and debris on highways and on private and public property so that the two statutes are the same in application, although they appear in two separate titles of the code. The bill sets a first time offense infraction penalty at \$150, a second offense within 2 years at a \$300 infraction penalty, and a third offense within 3 years as a misdemeanor with a fine not exceeding \$1000 and jail of up to 30 days.

FISCAL NOTE

The fiscal impact to revenue derived from fines and fees statewide is estimated to be a net decrease of \$127,623.00 per fiscal year, based on the average number of relevant citations issued over the last three fiscal years. Any reduction in revenue is expected to be offset or exceeded by corresponding reduction in the associated cost of public defense, prosecution, and/or adjudication, although those savings cannot be calculated at this time. These potential savings would be realized primarily by the counties. By fund, the reduction in revenue derived from fines and fees each fiscal year is estimated to be as follows: a decrease of \$2,519.00 to the state General Fund; an increase of \$323.00 to the state Peace Officers Standards and Training Fund; a decrease of \$28,802.00 to county District Court Funds; a decrease of \$79,501.00 to the state Drug Court, Mental Health Court and Family Court Services Fund; a decrease of \$1,076.00 to county Justice Funds and/or Current Expense Funds; a decrease of \$9,770.00 to the state Crime Victims Compensation Fund; a decrease of \$1,526.00 to the state Court Technology Fund; a decrease of \$792.00 to the state Peace Officer and Detention Officer Temporary Disability Fund; and a decrease of \$3,961.00 to the state Victim Notification Fund. These are estimates but could vary slightly based upon several factors including conviction rates, fine imposition rates, waiver rates, collection rates, whether city or county magistrate facilities are used.

Contact:

Representative Lynn M. Luker
 Senator Todd Lakey
 (208) 332-1111

Statement of Purpose / Fiscal Note

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